

REMARKS

The present application includes pending claims 1-53, all of which have been rejected. By this Amendment, claims 1, 12, 23, 29, 40 and 46 have been amended. Note, claim 40 has been amended to correct two minor typographical errors.

Claims 1-53 stand rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,388,714 ("Schein"). The Applicants respectfully traverse these rejections for at least the following reasons:

Claim 1 recites, in part, "a user interface for the selection and display of media content, at the first home, the user interface allowing at least one user to create at least one user defined media channel, wherein the at least one user selects media content for the at least one user defined media channel through the user interface, and the at least one user specifies, through the user interface, times when the user selected media content will be made available on the at least one user defined media channel, the user interface displaying a graphical representation of the at least one user defined media channel |, the at least one user defined media channel comprising a sequence of the user selected media content for consumption at the times specified by the at least one user." Thus, the claim is clear that a user defined media channel, not merely a schedule or listing of information from other channels, is created.

On the other hand, Schein relates to "systems and methods for allowing [a] viewer to retrieve, initiate a subscription to, search, select and interact with television schedule and/or listing information located in a remote database, computer network or on-line service...." See Schein at column 1, lines 15-22. In short, Schein discloses a

system and method that allows a viewer to customize a program guide so that the particular viewer will not miss programs from various channels that he/she wants to view.

In particular, Schein discloses that a "program guide will usually include a schedule and/or listing information area that depicts the programs that are available from a directory, library or archival source or being presented **on each channel** at each time during the day, week or month." See *id.* at column 2, lines 38-42. In Schein, the viewer does not create any channel. Rather, the viewer customizes a program guide by indicating which programs **from other channels** he/she wants to view in the future. See *id.* at column 8, lines 60-63 ("The television schedule guide in FIG. 2 has been customized by a user such that only channels 2, 3, 4, 5, 7, HBO, SHO and PBS are included in the displayed guide"). The viewer in Schein does not create any of channels 2, 3, 4, 5, 7, HBO, SHO and PBS, nor any hybrid that includes portions of those channels. Rather, Schein discloses that a user may customize a schedule guide to include only those broadcast channels he/she prefers. See *id.* at column 9, line 67 to column 10, line 3 ("the user can have certain channels eliminated from the displayed television schedule guide, or the user can select a particular order for each of the television channels within the guide"). Schein also discloses that when a particular desired program is broadcast on a particular channel, the system may automatically tune to that channel (which, again, is not created by the user). See *id.* at column 6, lines 4-8 ("a user can sort, mix, and do a customized line-up of **channels** within the television schedule guide displayed on computer screen 50. In addition, the user can

automatically tune to a desired program or can select different programs for automatic recording and/or retrieval and digital storage”).

Schein does not describe, teach or suggest, however, that a viewer creates his/her own media channel. That is, Schein does not describe, teach or suggest “a user interface for the selection and display of media content, at the first home, the user interface allowing at least one user to create at least one user defined media channel, wherein the at least one user selects media content for the at least one user defined media channel through the user interface, and the at least one user specifies, through the user interface, times when the user selected media content will be made available on the at least one user defined media channel, the user interface displaying a graphical representation of the at least one user defined media channel I, the at least one user defined media channel comprising a sequence of the user selected media content for consumption at the times specified by the at least one user,” as recited in claim 1, for example. Thus, for at least this reason, Schein does not anticipate claim 1 or the claims that depend therefrom.

Even if one were to assume that the customized schedule guide discloses in Schein was a “channel,” which the Applicants clearly do not assume, Schein does not describe, teach or suggest that the schedule guide is sent to a location that is remote from the viewer. That is, Schein does not describe, teach or suggest “wherein the at least one user defined media channel is pushed from the first home to other authorized users at locations that are separate and distinct from the first home,” as recited in claim

1, as amended. Thus, for at least this additional reason, Schein does not anticipate claim 1 or the claims that depend therefrom.

For at least the reasons discussed above, Schein also does not describe, teach or suggest "a user interface for the selection and display of media content, at the first home, the user interface allowing at least one user to create at least one user defined media channel, wherein the at least one user selects media content for the at least one user defined media channel through the user interface, and the at least one user specifies, through the user interface, times when the user selected media content will be made available on the at least one user defined media channel, the user interface displaying a graphical representation of having the at least one user defined media channel, the at least one user defined media channel comprising a sequence of the user selected media content for consumption at the times specified by the at least one user, wherein the at least one user defined media channel is pushed from the first home to the second home," as recited in claim 12. Thus, for at least these reasons, Schein does not anticipate claim 12 or the claims that depend therefrom.

For at least the reasons discussed above, Schein also does not describe, teach or suggest "a user interface for the selection and display of media content, the user interface allowing at least one user to create at least one user defined media channel, wherein the at least one user selects media content for the at least one user defined media channel through the user interface, and the at least one user specifies, through the user interface, times when the user selected media content will be made available via the at least one user defined media channel, the user interface displaying a

graphical representation of the at least one user defined media channel comprising a sequence of the user selected media content for consumption at the times specified by the at least one user, wherein the at least one user defined media channel is pushed from the first home to the second home," as recited in claim 23. Thus, for at least these reasons, Schein does not anticipate claim 23 or the claim that depend therefrom.

For at least the reasons discussed above, Schein also does not describe, teach or suggest "at least one processor operably coupled to the at least one interface and to storage containing executable code enabling **creation by a first user at the first location of one or more media channels** for distribution to an authorized second user at a second location remote from the first location, wherein the one or more media channels comprises media content selected by the first user and arranged according to times specified by the first user; and wherein each of the one or more media channels comprises a sequence of media content selected by the first user, which is made available for consumption by the second user of the media exchange network at times scheduled by the first user, **wherein the one or more media channels are pushed by the first user at the first location to the second user at the second location,**" as recited in claim 29. Thus, for at least these reasons, Schein does not anticipate claim 29 or the claim that depend therefrom.

Claim 40 recites "a user interface for the selection and display of media content, the user interface allowing **at least one user to create at least one user defined media channel**, wherein the at least one user selects media content for the **at least one user defined media channel** through the user interface, and the at least one user

specifies, through the user interface, times when the user selected media content will be made available via the **at least one user defined media channel**, the user interface displaying a graphical representation of the **at least one user defined media channel** comprising a sequence of the user selected media content for consumption at the times specified by the at least one user.” As discussed above, Schein does not describe, teach or suggest a media channel created by a user. Thus, for at least this reason, Schein does not anticipate claims 40-45.

Claim 46 has been amended to recite, in part, “server software that receives via a communication network a request for the delivery of the media content from the at least one server at the first location, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media content from the at least one server at the first location to a storage at a second location to a television display at a third location for consumption.” The Applicants respectfully submit that Schein does not describe, teach or suggest server software that coordinate delivery of media content from a server at a first location to a storage at a second location and then onto a television at a third location. Thus, for at least this reason, Schein does not anticipate claim 46-53.

In general, the Office Action makes various statements regarding claims 1-53 and Schein that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if

such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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